IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.09.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE S. TAMILVANAN

WRIT APPEAL Nos.711 to 713 of 2000
and CMP.Nos.6019 to 6023 of 2000

Arakkonam Egghu Aalai Thozhilalar
Anna Labour Union
(Regd. No.754/NAT)
rep. by its General Secretary
S-1, 6th Street
Egghu Nagar
Arakkonam 631 004. .. Appellant in all the appeals. Petitioner in WP.6546/98, 6547/98, 4247/99.

vs.

1. The Management of Tamil Nadu
   Steels Limited
   rep. by its Managing Director
   Arakonam 631 004.

2. The Government of Tamil Nadu
   rep. by its Secretary
   Labour and Employment
   Fort St. George, Chennai 9.

3. The Collector of North Arcot
   Vellore.

4. Tahsildar
   Arakkonam Taluk, Arakkonam. Respondents in WP.6546, 6547/98.

5. Tamil Nadu Steel Employees Union
   through its General Secretary
   Ekhu Nagar, Arakonam 631 004.

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6. Tamil Nadu Steels Workers Union
   through its General Secretary
   Ekhu Nagar, Arakonam 631 004.

7. The Arakonam Steel Mills Employees
   Union through its General Secretary
   Ekhu Nagar, Arakonam 631 004.

8. Tamil Nadu Ekhu Aalai Thozhilalar
   Munnetra Sangam through its
   General Secretary
   Ekhu Nagar, Arakonam 631 004.

9. Tamil Nadu Steel Pattali
   Thozhilalar Sangam through its
   General Secretary
   Ekhu Nagar, Arakonam 631 004.

10. The Highly Skilled Employees Union
    through its General Secretary
    Ekhu Nagar, Arakonam 631 004.

11. Dr. B.R. Ambedkar Thozhilalar Sangam
    through its General Secretary
    Ekhu Nagar, Arakonam 631 004.

12. Tamil Nadu Steels Ltd., Rolling Mill
    Employees Union through its General
    Secretary, Ekhu Nagar, Arakkonam 631 004.

13. Tamil Manila Congress Ekhu Aalai
    Thozhilalar Sangam through its
    General Secretary, Ekhu Nagar1
    Arakonam 631 004.

14. The Official Liquidator of
    M/s. Tamil Nadu Steels Limited
    Block 1, 1st Floor
    Kuralagam Buildings
    Esplanade, Chennai 600 108.
    (R.14 was impleaded as party
     respondent vide order of Court
     dt.29.09.2006 made in WAMP.Nos.
     1593 and 1594 of 2006).

.. Respondents in
Was.711&712 of 2000

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1. The Government of Tamil Nadu
   rep. by its Secretary
   Industries (MIAC) Department
   Secretariat, Chennai 9.

2. Tamil Nadu Steels Limited
   rep. by its Managing Director
   Arakonam.

3. Tamil Nadu Industrial Development
   Corporation Ltd.,
   rep. by its Chairman-cum-M.D.
   19-A, Rukmani Lakshmipathy Salai
   Egmore, Chennai 8. .. Respondents in
   WA.No.713/2000.

Writ Appeals filed under Clause 15 of the Letters of Patent against the common order of the learned Judge Mr. Justice E. Padmanabhan dated 29.02.2000 made in W.P.Nos.6546, 6547 of 1998 and 4274 of 1999 against the petitions under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent Government to issue a Certificate on her Applications dated 18/12/97 and 13/4/98 filed by the petitioners under Section 33(C)(1) on the ID Act, 1947 and recover from the Ist respondent the amount due with interest of 18% per annum through the 3rd and 4th respondents and pay to the workman, who are the members of petitioner Union [WP.6546/98] and against the Writ of Mandamus directing the Ist respondent management to pay the monthly wages to the 434 workers who are members of the petitioner Unions, Wages from 1.12.97 as per Section 25.M.(8) and Section 25.N(7) of the ID Act, 1947 till it provides work to them and pass such other orders or directions as are necessary and proper to meet the ends of Justice award costs.[WP.6547/98] and against the Writ or direction that G.O.Ms.No.222 dated 16.6.98 issued by the Ist respondent read with the tender notice to sell the assets of the 2nd respondent issued by the Ist respondent through the 3rd respondent as published in "The Economic Times" Chennai Edition dated 15.2.1999 and all actions thereunder illegal and unconstitutional and consequently direct the Ist and 2nd Respondents to continue the petitioners in Service as per law[WP.4274/99].

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For appellant : Mr. K. Srinivasamoorthy
for M/s. Row and Reddy
For respondents : Ms. D. Geetha
Addl. Government Pleader for State
Mr. K. Ramesh for Official Liquidator

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COMMON JUDGMENT

(Judgement of the Court was delivered by P. SATHASIVAM,J.)

Heard the learned counsel for the appellant as well as the learned counsel for State and Official Liquidator.

2. After hearing the counsel on either side, we are of the view that there is no need to refer all the factual details pertaining to the above appeals. We clarify certain factual details in order to enable the Official Liquidator to take a decision one way or the other. According to the learned counsel for the appellant Union, the wages payable to the workers between the period 01.09.1997 to 31.07.1998, on which date the Voluntary Retirement Scheme (in short "V.R.S.") came into existence, were not paid. It is also stated that a formal claim petition has been filed before the Official Liquidator highlighting all these details. Accordingly, direction is issued to the Official Liquidator to consider and pass appropriate orders said to availability of the funds.

3. The learned counsel appearing for the appellant Union submitted that the learned single Judge has accepted the statement of the Management of Tamil Nadu Steels that, apart from settlement, each worker is entitled a sum of Rs.50,000/- out of goodwill, over and above the "V.R.S." compensation. The Official Liquidator is directed to verify the said aspect from the records and on verification if it is found that the workers were not paid the said amount, the same may be paid to them and if there is acceptable evidence regarding settlement of the said amount, no amount need be paid once again. It is for the Official Liquidator to verify the same from the records.

With the above direction / clarification, no further adjudication is required in these appeals; accordingly, the writ appeals are closed. No costs. Consequently, connected CMPs., are also closed.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1. The Secretary
   Government of Tamil Nadu
   Labour and Employment
   Fort St. George, Chennai 9.

2. The Collector of North Arcot
   Vellore.

3. The Tahsildar
   Arakkonam Taluk, Arakkonam.

4. The Official Liquidator of
   M/s. Tamil Nadu Steels Limited
   Block 1, 1st Floor
   Kuralagam Buildings
   Esplanade, Chennai 600 108.

5. The Chairman-cum-M.D.
   Tamil Nadu Industrial Development
   Corporation Ltd.,
   19-A, Rukmani Lakshmipathy Salai
   Egmore, Chennai 8.

1 cc To M/S.Row & Reddy, Advocate, SR.46572.

Writ Appeal Nos.711 to 713/00

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RVL 18.10.2006

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